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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/766,133
Filing Date: January 19, 2001
Appellant(s): LOWTHERT ET AL.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 6th, 2008 appealing from the Office

action mailed March 17th, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 09/560,458

Application No. 09/690,549

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. Examiner further notes of a typographical error present the final Office action which erroneously included claim 35 in the 102(e) rejection statement. Accordingly the 102(e) rejection statement has now been corrected to exclude claim 35.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20010042249	Knepper et al.	11-2001
6,240,555	Schoff	12-1999
6,008,777	Yiu	05-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 27-30, 34, and 37-38 are rejected under 35 U.S.C. 102(e) as being anticipated

by Knepper et al. (US PG Pub. 2001/0042249).

With regards to claim 27, Knepper discloses a receiver (client receiver) to

receive content (media files) with an information segment (instruction set) and a

plurality of advertisements files (see [0008], [0009], the information segment

having at least one ad *entry* (<ADInsert>…..</ADInsert>, note that the entry itself

is an item entered in a list]), the ad entry having a field (<ADInsert>) in the form

of an interruption point specifier to indicate a point to insert an advertisement in

the content (interruption point at a location is indicated by placement of the

<ADInsert> tag in the instruction set, see [0052]. Claim 27 additionally recites

the step of receiving "a contiguous block of a content data stream", wherein the

interruption point specifier indicates a point within the contiguous block of content

data stream to interrupt the play of the content data stream and to insert an

advertisement in the content data stream. For example, Knepper discloses that

media program comprises at least one entertainment media program. See

[0011]. Knepper further discloses that, "media files may include

indications…pointing to where the entertainment media file may have

advertisement media files *inserted therein"* and that, "The server sends a text file

containing instructions indicating which advertisement media files….to insert *into*

the entertainment media file at run rime" (see [0041]). Accordingly, when

considering a scenario wherein a program comprising single entertainment

media file is transmitted, the system would in accordance with the instructions

contained in the text file, insert advertisements *into* the entertainment media file

at run time. A program may alternatively comprise more than one entertainment

media files, and the client computer downloads all the segments associated with

that program in accordance with the instruction set (see [0085]). Knepper further

discloses that advertisements in the instruction set are downloaded only if they

are not already cached at the client (see [0040]). That is, there exist scenarios

where the required advertisements has already been cached at the client. In

such a case, the client then proceeds to download all the clips associated with

the content program, thereby downloading the "entire episode" (see [0086]-

[0087]). Thus, Knepper discloses yet another scenario of receiving a contagious

block (i.e. the "entire episode") of content data stream. The presentation of the

plurality of entertainment and advertisement clips form a single continuous show

(i.e. a contiguous block of content data stream) similar to a television show

interspersed with advertisements. See [0041]. Knepper additionally discloses

the step of downloading the entire episode (i.e. receiving the contiguous block of

content data stream) prior to indicating availability of playback to the user (see

[0087]), wherein the advertisements are inserted within single contiguous block

(i.e. the entire episode) thereby interrupting the play of the episode and resuming

the play of the episode upon the completion of the ad. In the former scenario

comprising a single entertainment media file, the insertion of advertisements *into*

the entertainment media file at run time read on claimed interrupting the play of

the episode and resuming the play of the episode upon the completion of the ad.

A cache (client side storage), coupled to said receiver to store the content

with information segment and the plurality of advertisements (see [0008], [0009],

[0014], advertisements, media files, and information segment are downloaded

and pre-cached at client side);

An interface (client side application software) in the receiver identifies a

content location (location identified via placement of ADInsert tags relative to

media clip entries) and an advertisement (see [0081]-[0083]), out of the plurality

of advertisements, to insert in the location; the interface (client side application)

to identify based on data from the interruption point specifier the location while

the content is still stored in cache (i.e. content is still stored in cache during

playback of media files as well as advertisements).

With regards to claim 28, Knepper discloses that a plurality of shows

maybe requested by the viewer for subsequent viewing (see [0028]). Knepper

further discloses that when each of the shows is requested, the corresponding

instruction set is also delivered to the client (see [0026]). When the user finally

plays one of the plurality of rested shows, the system executes the instruction set

corresponding to the show requested, and therefore has means to associate an identifier of the show with its corresponding instruction set (see [0038]).

With regards to claim 29, 37 and 38, the interface in the system utilizes an *info segment* having a plurality of fields, one field comprising an interruption point specifier (ADInsert tag). It is further noted that the recited limitation of "another field selected from the group consisting of a maximum interruption length specifier, a resume indicator, a permitted ad type specifier, a prohibited ad type specifier and an ad lock", is written in the alternative language and wherein Knepper anticipates a second field comprising permitted/prohibited (positive/negative associations) ad specifier. See [0080]-[0081]. As such claims 37 and 38, are anticipated by Knepper due to the alternative claim language in claim 29.

With regards to claim 30, the ad entry includes the plurality of fields (positive/negative associations, insertion point) to control the relationship between the content and the plurality of advertisements (see [0082]).

With regards to claim 34, the instruction set lists the plurality of media and advertisement in a manner of sequential playback order. When an 'adclip1' is listed after a 'mediclip1', the 'adclip1' is to be started when 'mediaclip1' has terminated playing (and therefore mediaclip1 has no sound associated with it). Therefore in accordance with the ordering of the instruction set, the location of the 'adclip1' is after the 'mediaclip1', upon whose playback termination, the sound volume associated with the 'mediaclip1' goes to zero.

Claims 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knepper (US

PG Pub. 2001/0042249) in view of Schoff (US Pat. 6,240,555).

With regards to claims 31, Knepper does not disclose the step of further

storing a electronic program guide, the program guide having a program identifier

and an associated info segment, the program guide enabling locating the info

segment corresponding to the selected program.

Schoff discloses a method of associating a supplementary content with a

program, wherein the program guide has a program identifier (storage pointer)

and enables locating the supplemental data corresponding to a selected

program. See fig. 3.

It would have been obvious to one of ordinary skill by modifying the

system of Knepper in view of Schoff by using an EPG to locate the information

segment associated with program identifier. The motivation is to enable the user

to select a show or content for playback from an EPG and enable association of

information segment for targeted advertisements.

Claims 32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Knepper et al. (US PG Pub. 2001/0042249).

With regards to claim 32, Knepper discloses that the client system is a

computer system. Therefore Knepper does not disclose a television receiver.

Examiner takes official notice that PCTV receiver systems were well known in the art at the time of the invention and providing the client a wider range of services.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system by using a PCTV system so that the user can receiver communications from a computer network as well as a television network.

With regards to claim 35, Knepper discloses a content identifying a show (e.g. SID=48100) for identifying a particular show. See [0050]. Knepper does not disclose that the content identifier is a hashed value of a closed caption text.

Examiner takes official notice that hashing methods were well known in the art at the time of the invention for generating keys related to content information used to identify the content location.

It would have been well known to one of ordinary skill in the art at the time of the invention to modify the system by hashing value of the closed caption text of a program to generate a content identifier, so that the show can be identified based on its content. Such a content identifier can be used to set recording (in a PC/TV system) where episodes can be identified uniquely based on their content (i.e. closed caption data) thereby preventing duplicative recording.

With regards to claim 36, Knepper discloses a content identifying a show (e.g. SID=48100) for identifying a particular show. Knepper does not disclose that the content identifier is a hashed value of a closed caption text.

Examiner takes official notice that VCR+ codes were well known in the art at the time of the invention for used to identify programs to record.

It would have been well known to one of ordinary skill in the art at the time of the invention to modify the system by using a VCR+ code as a content identifier, so that the recording of the show identified according to the VCR+ codes can be recorded.

Claims 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knepper et al. (US PG Pub. 2001/0042249) in view of Yiu (US Pat. 6,008,777).

With regard to claim 33 Knepper does not disclose connecting the system to a presentation device through a wireless connection.

Yiu discloses the step of a PC (located in a den or a office) transmitting video signals to a presentation device (in a family room) over a wireless connection, so that user can view contents of PC from a remote location. See abstract.

It would have been obvious to one of ordinary skill to one of ordinary skill in the art to provide a wireless connection from a PC to a presentation device in home entertainment center, thereby enabling the PC to be located remote to the presentation device.

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Only

those arguments having been raised are being considered and addressed in the

Examiner's Answer. Any further arguments regarding other elements or limitations not

specifically argued or any other reasoning regarding deficiencies in a prima facie case

of obviousness that the appellant could have made are considered by the examiner as

having been conceded by the appellant for the basis of decision of this appeal. They

are not being addressed by the examiner for the Board's consideration. Should the

panel find that the examiner's position/arguments or any aspect of the rejection is not

sufficiently clear or a particular issue is of need of further explanation, it is respectfully

requested that the case be remanded to the examiner for further explanation prior to the

rendering of a decision. See 37 CFR 41.50(a)(1) and MPEP 1211.

The primary contention presented by appellant's arguments (see Brief, page 10)

are on whether or not Knepper shows receiving contiguous blocks of content. Appellant

argues that, "in Knepper there are discrete files and the advertisements are simply put

between discrete files". Appellant's arguments are found unpersuasive for the following

reasons. Knepper discloses that media program comprises at least one entertainment

media program.   See [0011]. Knepper further discloses that, "media files may include

indications…pointing to where the entertainment media file may have advertisement

media files *inserted therein"* and that, "The server sends a text file containing

instructions indicating which advertisement media files….to insert *into the entertainment*
media file at run rime" (see [0041]). Accordingly, when considering a scenario wherein
a program comprising single entertainment media file is transmitted, the system would
in accordance with the instructions contained in the text file, insert advertisements *into*
the entertainment media file at run time. Therefore appellant's arguments stating that,
"there is no way to insert the ad inside any piece of content that is a discrete file" is
found unpersuasive. A program may alternatively comprise more than one
entertainment media files, and the client computer downloads all the segments
associated with that program in accordance with the instruction set (see [0085]).
Knepper further discloses that advertisements in the instruction set are downloaded
only if they are not already cached at the client (see [0040]). That is, there exist
scenarios where the advertisements have already been cached at the client. In such a
case, the client then proceeds to download all the clips associated with the content
program as set forth by the methods in figure 8, the client thereby receiving the "entire
episode" (see [0086]-[0087]) as a contiguous block. Thus, Knepper teaches at least two
scenarios wherein a client receives the contiguous content data stream.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and
Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Usha Raman/

Conferees:

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